



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC MAIL
CONFIRMATION OF RECEIPT EMAIL REQUESTED

Mr. Joe Pound
EHS Manager
Lanxess Solutions US Inc.
214 West Ruby Avenue
Gastonia, North Carolina 28054
Joseph.Pound@lanxess.com

SUBJ: Request for Information
Lanxess Solutions US Inc., EPA ID: NCD003164464

Dear Mr. Pound:

On September 22, 2020, the U.S. Environmental Protection Agency, along with the North Carolina Department of Environmental Quality (NCDEQ), conducted a RCRA compliance evaluation inspection (CEI) at Lanxess Solutions US Inc. (Lanxess) located in Gastonia, North Carolina to determine the facility's compliance status with the Resource Conservation and Recovery Act (RCRA) and North Carolina Solid Waste Management Law, N.C.G.S. §§ 130A-17 to 28 and 130A-290 to 310.22 and applicable regulations.

Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, Lanxess management is hereby directed to respond, fully and truthfully, within thirty (30) calendar days of receipt of this letter, to the Information Request enclosed herein as Enclosure C (subject to the Instructions in Enclosure A, and the Definitions in Enclosure B). Compliance with this request for information is mandatory, and information provided by Lanxess may be used by the EPA in future enforcement actions. Failure to respond fully and truthfully to each and every question or information request by January 26, 2021, or to adequately justify such failure to respond, may result in further enforcement action against Lanxess by the EPA pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928.

Your response to this request for information should be emailed to Brooke York at York.Brooke@epa.gov.

The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. Lanxess may, if desired, assert a business confidentiality claim covering part or all of the information requested, in the manner described in 40 C.F.R. § 2.203(b), by attaching to such information, at the time it is submitted, a suitable notice employing language such as trade secret or proprietary or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent and only by means of the procedures set forth in 40 C.F.R.

Part 2, Subpart B. If no such claim accompanies the information when it is received by the EPA, it may be made available to the Public by the EPA without further notice to Lanxess. The EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim. Lanxess should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

This Information Request is not subject to the approval requirement of the Paper Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

Should you have any questions on this matter, please contact Brooke York of my staff by phone at (404) 562-8025 or by email at York.Brooke@epa.gov.

Sincerely,

Kimberly L. Bingham
Chief
Chemical Safety and Land Enforcement Branch

Enclosure

ENCLOSURE A

INFORMATION REQUEST

Instructions:

1. Identify the person(s) responding to these Information Request questions on behalf of Respondent.
2. A separate response must be made to each of the Information Requests set forth herein.
3. Precede each answer with the number of the Information Request to which it corresponds.
4. In answering each Information Request question, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
5. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth; you must notify the EPA thereof as soon as possible.
6. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.
7. Where specific information has not been memorialized in a document, but is nonetheless responsive to the Request, you must respond to the question with a written response.
8. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
9. If you have reason to believe that there may be persons able to provide a detailed or complete response to any Information Request question or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
10. The information requested herein must be provided even though the Respondent may contend that it includes possibly confidential information or trade secrets. You may, if you desire, assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. Section 6927(b), Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. Sections 9604(e)(7)(E) and (F), and 40 C.F.R. Section 2.203(b), by attaching to such information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, or proprietary, or company confidential. Information covered by such a claim will be disclosed by the EPA only to the extent, and only by means, of the procedures set forth in statutes and regulation set forth above. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. You should read the above cited regulations carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

ENCLOSURE B

INFORMATION REQUEST

Definitions:

The following definitions shall apply to the following words as they appear in this Enclosure.

1. The terms AND and OR shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside their scope.
2. The term DISPOSAL shall mean the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.
3. The term DOCUMENT and DOCUMENTS shall include writings of any kind, formal or informal, whether or not wholly or partially in handwriting (including by way of illustration and not by way of limitation), any invoice, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, inter-office or intra-office communications, photostat or other copy of any documents, microfilm or other film record, photograph, sound recording on any type of device, punch card, disc or disc pack, tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use punch card, disc, disc pack, tape or the type of memory) including; (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure, notation, annotation, or the like of it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
4. The term FACILITY shall mean Lanxess located at 214 West Ruby Avenue, Gastonia, North Carolina 28054.
5. The term GENERATION shall mean any act or process which produces hazardous waste as identified or listed in 40 C.F.R. Part 261 or an act which first causes a hazardous waste to become subject to regulation.
6. The term HAZARDOUS SUBSTANCE means: (a) any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act; (b) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of CERCLA; (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of RCRA (but not including any waste the regulation of which under RCRA has been suspended by Act of Congress); (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act; (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act; and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator of the EPA has taken action pursuant to Section 7 of the Toxic Substances Control Act. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of this paragraph, and the term does not include natural gas, natural gas liquids, liquefied natural gas,

ENCLOSURE B

or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas). HAZARDOUS SUBSTANCE shall include any mixtures of such hazardous substances with any other substances including petroleum products.

7. The term HAZARDOUS WASTE means a hazardous waste as defined in 40 C.F.R. § 261.3.
8. The term IDENTIFY means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
9. The term IDENTIFY means, with respect to a corporation, partnership, business trust or other associate of a business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
10. The term IDENTIFY means, with respect to a document, to provide its customary business description, date, number, if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter.
11. The term PERSON includes, in the plural as well as the singular, any natural person, firm, unincorporated associate partnership, corporation, trust or other entity.
12. The term POLLUTANT or CONTAMINANT shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including a malfunction in reproduction) or physical deformation in such organisms or their offspring; except that the term POLLUTANT or CONTAMINANT shall not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under subparagraphs (a) through (f) of Definition 5 above, and shall not include natural gas, liquefied natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). POLLUTANT or CONTAMINANT shall include any mixtures of such pollutant and contaminants with other substances, including petroleum products.
13. The term RELEASE shall include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
14. The term TRANSACTION or ARRANGEMENT shall mean every separate agreement, act, deal, instance or occurrence.
15. The term YOU or RESPONDENT shall mean the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents.

ENCLOSURE C

INFORMATION REQUEST

1. Please provide a list of all containers in the Nonhazardous Waste Storage Area at the time of the CEI. This list must include, but is not limited to, the size and type of container, the words on the label, the profile associated, analysis, date the waste was generated, and a brief description of the process that generated the waste. Below is an example of what an appropriate response to this request may look like:

Number of Containers	Container		Label	Profile	Analysis	Description of Process Generating Waste and Date
	Size	Type*				
20	250-gallon	TP	MDI Strippings	CH450037 MDI Unreacted (MDI Strippings)	Date of analysis and reference to its location in this response	1/1/2020 - A brief description of the process generating the waste. Please ensure that the process information is included in the response to Item 3 of this request.
10	250-gallon	TP	Department: AV Tank Farm - Isocyanate Sub category: Raw Material Product/Lot: D-200 (MDI) Storage Tanks Reason: Off-Color Composition: Isocyanate Net Weight: KG Date: 2/3/2020	CH1234567	SDS and chemical analysis attached	Off specification product from Tank X. Removed during cleanout on date.

*The type of container as described in the instruction for completing the Uniform Hazardous Waste Manifest, which can be found at https://www.epa.gov/sites/production/files/2020-04/documents/manifest_instructions_web.pdf.

2. Please provide documentation of the disposition/disposal of any of the waste identified in response to Enclosure C, Item 1 of this request.
3. Please Provide the Safety Material Data Sheets for:
 - a. D-200 (MDI) – Isocyanate;
 - b. E300; and
 - c. TDI.

ENCLOSURE C

4. Please provide process information, including but not limited to process flow diagrams, raw materials, waste produced and product from each process.
5. Please complete the blank cells in the “Training Records” (use track changes) document, provided in Enclosure D of this request, and provide supporting information. Enclosure D, “Training Records,” has been derived from the Training Records provided to the EPA.
6. Please provide the Certificates for annual refresher training for Joe Pound for the last three years.

ENCLOSURE D

Employee	Name	Start Date	2017 Date	2018 Date	2019 Date	2020 Date	End Date
Joseph	Adams				7/17/2019		
Marlon	Alexander			6/13/2018	7/10/2019		
Dana	Atchley		7/12/2017	6/13/2018	7/17/2019		
Andrew	Atchley			6/26/2018	7/10/2019	9/21/2020	
Brownell	Baker		7/12/2017	6/26/2018			
Paul	Black		7/12/2017	6/13/2018	7/10/2019		
Jonathan	Boldins					9/21/2020	
Christa	Brame			6/13/2018			
Matt	Brewer		7/12/2017	6/26/2018	7/17/2019		
Nigel	Brown		7/19/2017	6/26/2018			
LaQuan	Burge		9/28/2017				
Justin	Burris		1/3/2018		8/22/2019		
Jonathan	Byers					9/21/2020	
W	Cal	2/27/2012		6/27/2018	8/21/2019	9/21/2020	
Danny	Cardwell		7/19/2017				
Christa	Cave		7/19/2017	6/26/2018	7/10/2019	9/21/2020	
Tim	Charles		7/19/2017	6/26/2018	8/23/2019		
Randy	Cline		7/19/2017	11/15/2018			
Travis	Cole		7/19/2017	6/26/2018	7/17/2019		
Erick	Collins		12/5/2017	7/12/2018			
Zachery	Cooper		7/12/2017	6/13/2018			
Danny	Cordell			7/12/2018			
McDaniel	Daley			11/14/2018			
Cameron/Garner	Davis		7/19/2017	6/13/2018	7/17/2019		
Shawn	Dennis		12/5/2017	6/13/2018	8/27/2019		
B	Dixon	7/16/2002	7/18/2017	6/26/2018			
Haley	Einten			6/26/2018			
Joseph	Fails		7/19/2017	6/26/2018		9/18/2020	
Paul	Farly		7/19/2017	7/13/2018	7/10/2019		
Ronnie	Flowers	10/2/2000	7/19/2017	7/11/2018	8/21/2019	9/21/2020	
Todd	Flowers		7/19/2017	6/26/2018			
Orlando	Floyd		7/12/2017		7/10/2019	9/18/2020	
Jeff	Foster		8/10/2017	6/26/2018	7/10/2019	9/18/2020	
Kevin	Frazier					9/21/2020	
Shawn	Gilbert					9/21/2020	
Sandy	Gilmore		10/25/2017	6/26/2018	7/17/2019		
Beth	Glance		7/12/2017	6/13/2018	7/10/2019		
Nicole	Gleason			6/13/2018	7/10/2019		
Daron	Hillman		7/12/2017	6/26/2018			
Joe	Hiteshue		7/12/2017	6/26/2018	8/21/2019		
John	Holloway		7/12/2017	6/13/2018	7/10/2019	9/18/2020	

ENCLOSURE D

Employee	Name	Start Date	2017 Date	2018 Date	2019 Date	2020 Date	End Date
Dennie	Hoover		7/12/2017		7/10/2019	9/18/2020	
Karim	Houser		8/28/2017	6/13/2018			
Michael	Huffstisler		7/12/2017	6/15/2018	7/17/2019		
Gary	Humphries		7/12/2017	6/26/2018	8/21/2019	9/18/2020	
Eric	Johnson		7/12/2017				
Terrence	Johnson			12/8/2018			
Reginald	Joseph			6/13/2018	8/22/2019		
Sidney	Kanouse		7/12/2017	6/26/2018	7/17/2019	9/18/2020	
Anne	Knight		7/19/2017	6/26/2018	7/10/2019	9/22/2020	
Darrick	Leach				7/10/2019	9/21/2020	
Dave	Martin		7/19/2017	6/26/2018	7/17/2019		
Donnie	Mayhue		7/12/2017	7/12/2018			
Stephen	McCarthy			6/13/2018			
Jay	McKown		7/19/2017				
Zaccn	McNair					9/21/2020	
Stephen	Milard		7/12/2017			9/18/2020?	
Demario	Moore		12/23/2017	11/14/2018	10/19/2019		
James	Murphy		7/12/2017	6/13/2018	7/10/2019	9/18/2020	
Steve	Nations		7/19/2017	6/13/2018			
Lenzey	Nichols		7/12/2017	6/26/2018	7/10/2019	9/21/2020	
Lisa	Nicholson		7/19/2017	6/13/2018	7/10/2019		
Ronald	Nicholson		7/19/2017	7/11/2018	8/23/2019		
Danielle	Nixon		7/12/2017				
Michael	Nixonl			6/13/2018			
Jeannie	Overby		7/12/2017	6/13/2018	7/10/2019	9/22/2020	
Prakash	Palepu			7/1/2018	8/20/2019		
Melvin	Parker			6/26/2018	7/17/2019		
Darrien	Payne		7/12/2017	6/26/2018	7/10/2019	9/21/2020	
Michael Lee	Peak		7/12/2017	6/26/2018	8/23/2019	9/21/2020	
Brett	Pearson		7/19/2017	6/26/2018	7/10/2019	9/21/2020	
Cortney	Perkins			6/13/2018	7/10/2019	9/21/2020	
Joe	Pound	3/23/2010	7/19/2017	6/13/2018	7/10/2019	9/18/2020	
Travis	Prater					9/21/2020	
James	Pressly		7/12/2017				
Travis	Ramsey		7/12/2017	6/26/2018			
William	Ramsey		7/12/2017				
Rod	Rapp			7/12/2018	7/10/2019		
Jake	Robinson		7/12/2017	6/13/2018	7/17/2019	9/18/2020	
Sydney	Robinson					9/21/2020	
Curtis	Ross		7/12/2017	6/26/2018	8/26/2019		
Steve	Ruff		7/12/2017	6/26/2018	9/5/2019		

ENCLOSURE D

Employee	Name	Start Date	2017 Date	2018 Date	2019 Date	2020 Date	End Date
Joe	Shull		7/19/2017				
Candy	Skidmore		7/12/2017	6/13/2018	7/10/2019		
Reine	Smirz		7/12/2017	6/13/2018	7/17/2019		
Katelyn	Snycler					9/21/2020	
Scott	Stacy		7/12/2017	6/26/2018	8/23/2019	9/18/2020	
Phil	Trantham		7/12/2017	7/12/2018			
James	Tyler		7/19/2017	6/29/2018	8/23/2019		
James	Urbanowicz		8/14/2017	8/2/2018	9/13/2019		
Ronald	Wallace		7/12/2017	6/13/2018	7/10/2019	9/21/2020	
Billy	Walters		7/12/2017				
Jesse	Welch		7/12/2017	11/13/2018			
Curtis	Williams		8/11/2017	6/26/2018		9/18/2020	
Joseph	Williams		7/12/2017	11/14/2018	7/10/2019	9/18/2020	
Paul	Williams		7/12/2017	7/11/2018	7/17/2019		
Randy	Yelton	6/28/1993	7/19/2017	6/26/2018	8/21/2019	9/18/2020	